

Department of Environmental Protection and Resource Management  
105 W. Chesapeake Avenue  
Suite 400  
Towson, Maryland 21204

In the Matter of

Civil Citation No. D7CO0014043

Patrick D. Meadowcroft  
Susan W. Meadowcroft  
200 Kauffman Road  
Parkton, Maryland 21120

1100-1104 Freeland Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Environmental Protection & Resource Management (DEPRM) on August 6, 2009, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 34-3-101, 34-3-104, failure to eliminate sewage overflow; section 34-3-101, 34-3-103, 104, failure to correct failing septic system, failure to contact the Groundwater Management division of DEPRM for assistance regarding residential property known as 1100-1104 Freeland Road, 21053.

On July 17, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Brian Flynn issued a Code Enforcement citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$3,200.00 (three thousand two hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

The following persons appeared for the Hearing and testified: Brian Flynn, Inspector for the Groundwater Management division of DEPRM and, Bill Clarke, Manager for the Environmental Health division of DEPRM.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Notice of Violation and Order to Correct an Unsanitary Condition was issued to Respondent on July 10, 2009, requesting that Respondent eliminate sewage overflow and correct failing septic system; repair cracked sewer line in basement; permanently disconnect sewer overflow line that discharges to the stream; pump out existing full septic tank; contract DEPRM groundwater program for evaluation/repair of system. DEPRM Inspector Brian Flynn, who is a registered Sanitarian, jointly inspected the property with Inspector Thomas Johnson from the Maryland Department of the Environment (MDE). This Citation was issued on July 17, 2009.

B. Photographs in the file show effluent in the yard of this investment property, which is next to the public North Central rail trail. Photographs show a broken sewer line in the basement and a basement sink full of sewage. Inspector Flynn testified that the septic system backs up into the basement sink when there is a backup. There is a pipe that runs out into the yard. The overflow pipe discharges into Bee Tree Run, a stream flowing along the property. The complainant told the DEPRM inspector that this line was installed around August 2008. No permits were obtained for work at this address during the past two years. Notes in the file state that the line was not discharging at the time of inspection on July 10, 2009, but excavation at the end of the line using a shovel revealed strong sewage odor and stained soil.

C. Re-inspection on July 17, 2009 found a freshly dug area with grass seed and hay, and a large pile of sand. Discharge of effluent to the surface was continuing. No permits had been obtained from the County and Respondent had not contacted DEPRM.

D. On July 23, 2009, Respondent's daughter Ms. Ida Swartz left a telephone message that repairs had been done to the septic by Blevin's Septic and Bull Contracting. Inspection found the drain pipe/trench to the stream still intact; sink in basement full of dirty water; drainpipe replaced but still leaking; new manhole and cleanout installed. There was evidence of excavation from the well head area and it had been changed to terminate below grade, instead of above grade, and a sealed and vented well cap had been installed. No well, plumbing or septic permits had been applied for. Inspector Flynn talked with Ms. Swartz on July 24, 2009 and advised that permits were required, and faxed her another copy of the Notice of Violation.

E. On July 30, 2009, Inspector Flynn talked with Inspector Johnson (MDE) and learned that Inspector Johnson had re-inspected the property and found that the trench leading to Bee Tree Run had been filled in with soil and that the overflow pipe may have been disconnected.

F. On August 5, Inspector Flynn and DEPRM Inspector Michele Seeley re-inspected the property. They found the trench had been filled in with soil. The overflow line has been cut and capped inside the basement. The sewer line inside the basement has been removed and the end capped. No permits have been obtained for any work at the property.

G. Respondent failed to appear for this Hearing. Respondent has failed to comply with legal requirements for proper maintenance of the septic system at this investment property. Respondent failed to prevent the overflow of sewage on the ground and into Bee Tree Run, in violation of Baltimore County Code Section 34-3-104(a), and failed to respond in a timely manner to the correction notice issued by DEPRM, in violation of BCC Section 34-3-104(b). Respondent has also failed to comply with requirements to obtain approved plans, permits, and inspections of this septic and plumbing system from DEPRM and from the Baltimore County Department of Permits & Development Management, despite receiving repeated notices and requests from DEPRM.

H. Information presented at this Hearing is incomplete regarding whether there is still a backup of sewage into the basement of this rental property. This case will therefore be referred to the Bureau of Code Enforcement in the Department of Permits & Development Management for inspection and determination of whether this structure is unsafe or unfit for human occupancy under Baltimore County Code, Article 35, Title 5, Subtitle 2 (Livability Code, Rental Property).

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$3,200.00 (three thousand two hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$1,000.00 (one thousand dollars) if by September 8, 2009 Respondent obtains required permits for an approved septic system and an approved well modification, AND by September 30, 2009, Respondent completes all required work to repair the water and septic service for this investment property, with all required permits and inspections completed. If Respondent does not make the required repairs within the time provided, the full civil penalty will be imposed and additional Citations may be issued for continued violations.

IT IS FURTHER ORDERED that this property be referred to the Department of Permits & Development Management, Bureau of Code Enforcement, for inspection.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 19<sup>th</sup> day of August 2009.

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer